IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

MFA.No. 295 of 2001(B)

OPMV.453/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA
.....

APPELLANT:

DIRECTOR OF AGRICULTURE, TVM.

BY GOVERNMENT PLEADER SRI.K.SANDESH RAJ

RESPONDENTS:
---
1. P.V.JOSE, PARUMALA,
KAROOR P.O., LALAM VILLAGE, PALA, KOTTAYAM

2. SIVAPRASAD S/O RAGHAVAN,
RAJESHTHA BHAVAN,
NATTASSERYKARA, PERUMBAIKKAD VILLAGE

BY ADV. SRI.P.K.BALAKRISHNAN NAIR
SMT.MINI ELIZABETH GEORGE
SMT.G.VIDYA
SRI.THOMAS ANTONY
SRI.TITUS MANI

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K. BASHEER, JJ

M.F.A.295/2001

Dated this the 15th day of October, 2007

JUDGMENT

Radhakrishnan, J

Appeal has been preferred by the first respondent in O.P.(MV)453/1995, to set aside the award passed by the Tribunal. Accident not disputed, but the quantum of compensation awarded by the Tribunal is under challenge.

2. Ext.A7 dated 31.7.1996 is the disability certificate issued from Medical College Hospital, Kottayam, which shows that the claimant has 4% permanent disability. Ext.A7 certificate was not challenged. In such circumstances, Tribunal accepted the certificate as such and an award of Rs.34,750/- is fixed as compensation. We have gone through the records and examined the mode of fixation of the amount. we find no infirmity in the award passed by the Tribunal. In the absence of any contra evidence, this appeal lacks merit and the same is dismissed.

K.S.RADHAKRISHNAN
Judge

A.K. BASHEER
Judge

mrcs